IN THE HIGHCOURT OF JUDICATURE AT BILASPUR (C. G.)

WRIT PETITION No. 535 OF 2003

RAVINDRA KUMAR VARMA : PETITIONER
Aged about 70 years
S/o, Late Sri Shiva Shankar Sahai Varma
Retired Justice, M. P. High Court
HIG-7, Indira Gandhi Marg,
South Civil Lines
JABALPUR (M. P.)

Versus

1) Smt. JANKI BAI — RESPONDENT
W/o. Late Shri G. P. Agarwal

2) SANJAY AGARWAL
S/o Late Shr G. P. Agarwal

Both residents of Mungeli
Tahsil Mungeli
District Bilaspur (C. G.)

P. R. No. 3 Sat 03
Presented by Shri Pankaj Jaiswal
dated 03.12.03

3) SMT. MEERA AGARWAL
W/o. Shri Ramesh Kumar Agarwal
Aged about 57 years
R/o, Arya Nagar, Durg
Tahsil and District Durg (C.G.)

4) SMT. CHITRA AGARWAL
W/o, Shri Sushil Kumar Agarwal
Aged about 54 years
R/o. ACC Jamul Factory
District Durg (C. G.)

5) SMT. DR. KIRAN AGARWAL
W/o, Dr. Suraj Agarwal
Aged about 51 years
R/o. C/74 Shailendra Nagar
Raipur, Tahsil and District
Raipur (C. G.).

6) SMT. SUDHA GUPTA
W/o. Shri Ashok Kumar Gupta,
Aged about 50 years
R/o. Madhopur,
District Munger (Bihar).

7) SMT. BADHUDANI,
W/o. Shri Chandra Kumar Dani,
Aged about 45 years,
R/o. K-4 Adarsh Nagar, Durg
Tahsil and District Durg (C. G.).

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8) SMT. SHEELA DANI
W/o. Laxmikanth Dani
Aged about 52 years
R/o, Brahmanpara, Durg
Tahsil and District Durg (C.G.).

9) SHRI VARINDRA KUMAR VARMA
Aged about 66 years,
S/o. Late Shri Shiv Shankar Sahai
Varma, R/o, Rajkishore Nagar,
Bilaspur, Tahsil and District
Bilaspur, (C. G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(48)

आदेश पत्रक

मामला क्रमांक W.P.NO.535/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	2-4-2003 Shri R.S. Jaiswal, Advocate for the petitioner. Heard. Counsel submitted that the High Court of M.P. has passed an order vide annexure P-2 in Second Appeal No. 13/77. By the said judgment, the matter was remanded to the lower Appellate Court with direction to appoint commissioner to measure the land in dispute as per the directions contained in the order. He further submitted that the commissioner was appointed but he has not conducted the measurement in accordance with law and he had filed certain objections. The said objections were rejected observing that it cannot be presumed that the commissioner has not followed the proper procedure and since the case has been remanded in 1983 and much time has passed so the objection is not sustainable.	

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 535/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Having considered the facts and circumstances of the case and material on record especially that the remand order was passed by Rly Court in 83 in the opinion of this Court, since the appeal is still pending and is to be heard finally by the appellate Court, it is open to the petitioner to make the submission permissible as per law before the appellate Court in accordance with law. He may raise the grounds/questions in appeal in case such an eventuality arises. With these observations, the petition is disposed of. Consequently, M.W.P. No. 446/2003 and I.A. No. 1170/2003 stand disposed of. Certified copy as per rules. Sd/- Fakhruddin Judge	

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